

RECEIVED
CENTRAL FAX CENTER

OFFICIAL

OCT 03 2005

CARDINAL LAW GROUP

1603 Orrington Avenue/Suite 2000
Evanston, Illinois 60201
Telephone 847 - 905 - 7111
Facsimile 847 - 905 - 7113

Date: OCTOBER 3, 2005

To: EXAMINER KADING, J. A.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: DE 000079 (7790/387)

of Pages: 27

(including cover sheet)

IF YOU HAVE ANY PROBLEMS RECEIVING THIS MESSAGE, PLEASE CALL 847/905-7111, Ext. 112 AND ASK FOR JENNIFER CRUZ.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED. IT MAY CONTAIN PRIVILEGED, CONFIDENTIAL, ATTORNEY WORK PRODUCT, OR TRADE SECRET INFORMATION WHICH IS EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE (AND ALL COPIES) TO US BY MAIL AT THE ABOVE ADDRESS. WE WILL REIMBURSE YOU FOR POSTAGE.

PTO-8521 (12/02), Approved by me through 03/03/03 (04/03/03) Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
 When this Paper is received, not of office, no person can require to be taken to a collection of information unless it contains a data call number

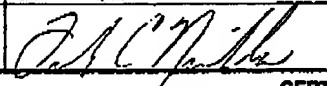
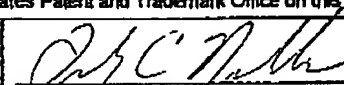
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	DE 000079 (7790/387)
	Application Number	09/855,577
	Filing Date	MAY 15, 2001
	First Named Inventor	CHRISTOPH HERMANN
	Group Art Unit	2681
	Examiner	KADING, JOSHUA A

RECEIVED
CENTRAL FAX CENTER
OCT 03 2005

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dupl.) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, att <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/68) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> Abstract <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

				Small Entity		or	Large Entity	
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus		0	x \$25=	0	x \$50=	
Indep		Minus		0	x \$100	0	x \$200	
First Presentation of Multiple Dep. Claim					+ \$180	---	+ \$360=	
total add'l fee					\$ 0		\$	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orlington Avenue, Suite 2000 Evanston, IL 60201	
Signature		Date: <u>October 3, 2005</u>
CERTIFICATE OF FACSIMILE		
I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 to the United States Patent and Trademark Office on this date.		
Signature	 FRANK C. NICHOLAS (33,983)	Date: <u>October 3, 2005</u>

USPTO FORM 1 (12-97) APP-002 for use through 03/01/00. Check 001-001. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office. The printed fee schedule is subject to change without notice. Please refer to the fee schedule on the back of this form for the latest fee schedule.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	DE 000079 (7790/387)
	Application Number	09/855,577
	Filing Date	MAY 15, 2001
	First Named Inventor	CHRISTOPH HERMANN
	Group Art Unit	2661
	Examiner	KADING, JOSHUA A.

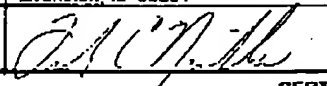
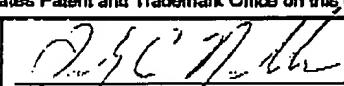
RECEIVED
CENTRAL FAX CENTER

OCT 03 2005

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (duplct) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Brief (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below) <input type="checkbox"/> Abstract <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>50-1713</u> . A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

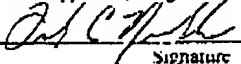
					Small Entity			Large Entity	
	Claims After Amendment		Highest No Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus		0	x \$25=	0		x \$50=	
Indep		Minus		0	x \$100=	0		x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180	—		+ \$360=	
					total add'l fee	\$ 0		total add'l fee	\$

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	October 3, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted by facsimile to (571) 273-8300 to the United States Patent and Trademark Office on this date <u>October 3, 2005</u>			
Signature	 FRANK C. NICHOLAS (33,983)	Date	October 3, 2005

Certificate of Facsimile
I hereby certify that this correspondence is being
transmitted by facsimile to (571) 273-8300 to the U.S.
Patent and Trademark Office October 3, 2005
(Date of Transmission)

**RECEIVED
CENTRAL FAX CENTER**

OCT 03 2005

FRANK C. NICHOLAS (33,983)
Name of Appellant, assignee or registered representative

Signature
October 3, 2005
Date of Signature

PATENT
Case No. DE 000079
(7790/387)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re patent application of:)	
)	
CHRISTOPH HERMANN)	
)	Examiner: KADING, J. A.
Serial No.: 09/855,577)	
)	Group Art Unit: 2661
Filed: MAY 15, 2001)	
)	
For: WIRELESS NETWORK WITH)	
CAPACITY MEASUREMENT)	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellant herewith respectfully presents a Brief on Appeal as follows:

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 2 of 24

TABLE OF CONTENTS

	<u>Page</u>
1. REAL PARTY IN INTEREST.....	3
2. RELATED APPEALS AND INTERFERENCES.....	4
3. STATUS OF CLAIMS.....	5
4. STATUS OF AMENDMENTS.....	6
5. SUMMARY OF CLAIMED INVENTION.....	7
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	9
7. ARGUMENT.....	10
8. CLAIMS APPENDIX.....	19
9. EVIDENCE APPENDIX.....	24
10. RELATED PROCEEDINGS APPENDIX.....	24

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 3 of 24

1. REAL PARTY IN INTEREST

The real party in interest is the assignee of record U.S. Philips Corporation, a Delaware corporation having an office and a place of business at 1251 Avenue of the Americas, New York, NY 10020-1104.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 4 of 24

2. RELATED APPEALS AND INTERFERENCES

Appellant and the undersigned attorney are not aware of any other appeals or interferences which will directly affect or be directly affected by or having a bearing on the Board's decision in the pending appeal.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 5 of 24

3. STATUS OF CLAIMS

Claims 1-10 are currently pending in the present application, and are the claims on appeal. See, Claims Appendix.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 6 of 24

4. STATUS OF AMENDMENTS

Appellant filed an after final request for reconsideration under 37 C.F.R. §1.116 in response to a Final Office Action dated April 15, 2005. The request for reconsideration did not contain any amendments to claims 1-10.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 7 of 24

5. SUMMARY OF THE INVENTION

As illustrated in FIG. 1, a wireless network employs a radio network controller 1 and a plurality of assigned terminals 2-9 for exchanging useful data and control data. Each terminal 2-9 has one or more buffers for buffering data packets to be transmitted to radio network controller 1 via a contention channel and each terminal 2-9 further has a measuring device for measuring the occupancy level of its buffer(s). *See, U.S. Patent Application Serial No. 09/855,577* at page 3, lines 22-27 and at page 5, line 33 to page 6, line 9.

In operation, a terminal 2-9 transmits a signaling sequence (e.g., a Gold, Kasami or Golay sequence) to radio network controller 1 at a start time predefined by radio network controller 1 when an occupancy level of one or more buffer(s). In turn, radio network controller 1 correlates the signaling sequence and detects a pulse developed from the correlated signaling sequence. Thereafter, radio network controller 1 transmits an indication to the appropriate terminal 2-9 to inform that terminal 2-9 to transmit the data packets over a channel assigned only to that terminal 2-9. To this end, radio network controller 1 includes a matched filter for generating one or more pulses after a signaling sequence has been received and further includes a peak detector provided for detecting the peak on the output of the matched filter based on a certain detection window whose start time and duration are determined by the channel properties and the start time of the signaling sequence being detected. *See, U.S. Patent Application Serial No. 09/855,577* at page 6, line 24 to page 8, line 22.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 8 of 24

In response to the appropriate terminal 2-9 receiving the indication, that terminal 2-9 can transmit further information about the traffic load of the terminal 2-9 over the assigned channel after receipt of the indication and a changeover to the assigned channel.
See, U.S. Patent Application Serial No. 09/855,577 at page 8, line 31 to page 9, line 4.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 9 of 24

6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-10 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,790,534 to *Kokko* in view of U.S. Patent No. 5,428,647 to *Rasky et al.*

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 10 of 24

7. ARGUMENT

Kokko and Rasky Combination. As illustrated in FIG. 1, *Kokko* teaches an N number of terminals 12 wherein each terminal 12 is designed to transmit a reservation request over an associated backward channel CCH-b to a base station 14 whenever the number of packets in an associated buffer exceeds a threshold value or when a packet has been stored in the associated buffer for a period that exceeds a predetermined time threshold. Each terminal 12 defines its reservation requests to inform base station 14 of its capacity needs for the transmission of its buffered data packet(s). See, *Kokko* at column 7, lines 20-42.

- A careful review of *Kokko* reveals that *Kokko* fails to teach or suggest the
- transmission by a terminal 12 over the backward channel CCH-b of a reservation request at a start time predefined by base station 14 in view of the fact that the terminals of *Kokko* define the reservation requests and not base station 14 of *Kokko*. In fact, a base station 14 of *Kokko* could never be operated to predefine any of the reservation requests, because base station 14 would not have the information corresponding to the capacity needs for the transmissions of the buffered data packets of a terminal 12 prior to receiving an actual reservation request from a terminal 12.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 11 of 24

Furthermore, a review of *Kokko* reveals the fact that *Kokko* teaches the reservation request as an indication of an amount of resources needed to transmits data packets stored in one or more associated buffers whereby the reservation request is modulated with a signaling sequence by a terminal 12. See, *Kokko* at column 6, lines 11-45. A processing on the receiving end of the reservation request as modulated by the signaling sequence is accomplished by a demodulation of the modulated reservation request to thereby obtain the indication of an amount of resources needed to transmits data packets stored in one or more associated buffers of the terminal. Clearly, a processing on the receiving end of the modulated reservation request by a matched filter and peak detector does not provide any benefit to *Kokko* because one would not be able to obtain the indication of an amount of resources needed to transmits data packets stored in one or more associated buffers of the terminal. Thus, modifying a base station 14 of *Kokko* to correlate a reservation request and detecting a pulse/peak developed from a received and correlated reservation request as taught by *Rusky* has no operational utility for *Kokko*, because *Kokko* is premised on reading and analyzing the content of each reservation request from a terminal 12 to thereby manage the reservation requests from terminals 12 in view of a total capacity of a cell encompassing base station 14. See, *Kokko* at column 6, line 19 to column 8, line 7.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 12 of 24

Obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, MPEP §2143.

The Appellant respectfully asserts *Kokku and Rasky* in combination fail to render obvious the following limitations of claims 1-10. The following headings indicate the various grouping of claims 1-10 for purposes of this appeal.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 13 of 24

Claims 1-3 and 9-10. The Appellant respectfully traverses the obviousness rejection of claims 1-3 and 8-10, because there is no motivation to modify *Kokko* in view of *Rusky* to render the following limitations of independent claims 1 and 8-10:

1. "in that a terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)", "in that the radio network controller (1) includes a device for correlating a signaling sequence sent by a terminal (2 to 9) and for detecting the pulse developed from a received and correlated signaling sequence" and "in that the radio network controller (1), after detecting a signaling sequence assigned to a terminal (2 to 9), is arranged for sending an indication to the terminal (2 to 9) to further transmit the data packets over a channel assigned only to the terminal" as recited in independent claim 1;

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 14 of 24

2. "in that the radio network controller (1) includes a device for correlating a signaling sequence transmitted by a terminal (2 to 9) and for detecting the peak evolved from a received and correlated signaling sequence", "in that a signaling sequence transmitted at a certain time by a terminal (2 to 9) indicates that the occupancy level of the buffer or of various buffers in the respective terminal (2 to 9) has been exceeded", and "in that the radio network controller (1), after detecting a signaling sequence assigned to a terminal (2 to 9), is provided for sending an indication to the terminal (2 to 9) for the further transmission of the data packets over a channel exclusively assigned to the terminal (2 to 9)" as recited in independent claim 8;

3. "in that the terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1)" and "in that the terminal (2 to 9) is provided for receiving an indication from the radio network controller (1) which detects the signaling sequence that a channel exclusively assigned to the terminal (2 to 9) can be used for the further transmission of the data packets" as recited in independent claim 9; and

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 15 of 24

4. "in that a signaling sequence is transmitted by a terminal (2 to 9) at a start time respectively predefined by the radio network controller (1) after an occupancy level of one or more buffers is exceeded", "in that a signaling sequence transmitted and received by a terminal (2 to 9) is correlated in the radio network controller (1) and an ensuing peak is detected" and "in that an indication for the terminal (2 to 9) to use a channel exclusively assigned to the terminal (2 to 9) for the further transmission of the data packets is transmitted by the radio network controller (1) after the detection of a signaling sequence assigned to a terminal (2 to 9)" as recited in independent claim 10.

Withdrawal of the rejection of claims 1-3 and 8-10 under §103(a) as being unpatentable over *Kokko* in view of *Rusky* is therefore respectfully requested.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 16 of 24

Claim 4. The Appellant respectfully traverses the obviousness rejection of dependent claim 4, because there is no motivation to modify *Kokko* in view of *Rasky* to render "in that the radio network controller (1) includes a matched filter generating at least one pulse after a signaling sequence has been received and includes a peak detector and in that peak detector, in a certain detection window whose start time and duration are determined by the channel properties and the start time of a signaling sequence to be detected, is provided for detecting the peak on the output of the matched filter" as recited in dependent claim 4. Withdrawal of the rejection of claim 4 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

Claim 5. The Appellant respectfully traverses the obviousness rejection of dependent claim 5, because there is no motivation to modify *Kokko* in view of *Rasky* to render "in that a terminal (2 to 9) is provided for sending a Gold, Kasami or Golay sequence as a signaling sequence at a certain start time" as recited in dependent claim 5. Withdrawal of the rejection of claim 5 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 17 of 24

Claim 6. The Appellant respectfully traverses the obviousness rejection of dependent claim 6, because there is no motivation to modify *Kokko* in view of *Rasky* to render "in that a terminal (2 to 9) is provided for sending a signaling sequence at a start time predefined by the radio network controller (1) when a sum of the occupancy levels of all the buffers exceed a predefined threshold" as recited in dependent claim 6. Withdrawal of the rejection of claim 6 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

Claim 7. The Appellant respectfully traverses the obviousness rejection of dependent claim 7, because there is no motivation to modify *Kokko* in view of *Rasky* to render "in that a terminal (2 to 9) is provided for transmitting further information about the traffic load of the terminal (2 to 9) over the channel after receipt of the indication and a changeover to the assigned channel" as recited in dependent claim 7. Withdrawal of the rejection of claim 7 under §103(a) as being unpatentable over *Kokko* in view of *Rasky* is therefore respectfully requested.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 18 of 24

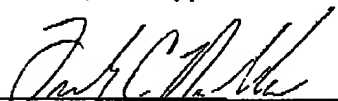
Dated: October 3, 2005

Respectfully submitted,

PHILIPS INTELLECTUAL PROPERTY
& STANDARDS
P.O. Box 3001
Briarcliff, New York 10510

Jack D. Slobod
Registration No. 26,236
Attorney for Appellant

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Appellant

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 19 of 24

CLAIMS APPENDIX

1. A wireless network comprising a radio network controller (1) and a plurality of assigned terminals (2 to 9) for exchanging useful data and control data, which terminals respectively have a buffer for buffering data packets to be transmitted to the radio network controller (1) via a contention channel and a measuring device for measuring the occupancy level of at least one buffer, characterized

in that a terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1),

in that the radio network controller (1) includes a device for correlating a signaling sequence sent by a terminal (2 to 9) and for detecting the pulse developed from a received and correlated signaling sequence, and

in that the radio network controller (1), after detecting a signaling sequence assigned to a terminal (2 to 9), is arranged for sending an indication to the terminal (2 to 9) to further transmit the data packets over a channel assigned only to the terminal.

2. A wireless network as claimed in claim 1, characterized in that the channel assigned to a terminal (2 to 9) is a dedicated channel.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 20 of 24

3. A wireless network as claimed in claim 1, characterized in that a terminal (2 to 9) is provided for measuring the occupancy level of the buffer or of various buffers in the layer for the radio link control (RCL layer).

4. A wireless network as claimed in claim 1, characterized in that the radio network controller (1) includes a matched filter generating at least one pulse after a signaling sequence has been received and includes a peak detector and in that peak detector, in a certain detection window whose start time and duration are determined by the channel properties and the start time of a signaling sequence to be detected, is provided for detecting the peak on the output of the matched filter.

5. A wireless network as claimed in claim 1, characterized in that a terminal (2 to 9) is provided for sending a Gold, Kasami or Golay sequence as a signaling sequence at a certain start time.

6. A wireless network as claimed in claim 1, characterized in that a terminal (2 to 9) is provided for sending a signaling sequence at a start time predefined by the radio network controller (1) when a sum of the occupancy levels of all the buffers exceed a predefined threshold.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 21 of 24

7. A wireless network as claimed in claim 1, characterized in that a terminal (2 to 9) is provided for transmitting further information about the traffic load of the terminal (2 to 9) over the channel after receipt of the indication and a changeover to the assigned channel.

8. A radio network controller (1) in a wireless network for exchanging useful data and control data comprising a plurality of assigned terminals (2 to 9), characterized in that the radio network controller (1) includes a device for correlating a signaling sequence transmitted by a terminal (2 to 9) and for detecting the peak evolved from a received and correlated signaling sequence,

in that a signaling sequence transmitted at a certain time by a terminal (2 to 9) indicates that the occupancy level of the buffer or of various buffers in the respective terminal (2 to 9) has been exceeded and

in that the radio network controller (1), after detecting a signaling sequence assigned to a terminal (2 to 9), is provided for sending an indication to the terminal (2 to 9) for the further transmission of the data packets over a channel exclusively assigned to the terminal (2 to 9).

October 3, 2003
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 22 of 24

9. A terminal (2 to 9) in a wireless network of exchanging useful data and control data with at least one radio network controller (1) and further terminals, which terminal includes at least one buffer for buffering data packets to be transmitted to the radio network controller (1) over a contention channel and a measuring device for measuring the occupancy level of at least one buffer, characterized

in that the terminal (2 to 9), when an occupancy level of a buffer or various buffers is exceeded, is provided for sending a signaling sequence at a start time predefined by the radio network controller (1) and

in that the terminal (2 to 9) is provided for receiving an indication from the radio network controller (1) which detects the signaling sequence that a channel exclusively assigned to the terminal (2 to 9) can be used for the further transmission of the data packets.

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 23 of 24

10. A method of exchanging useful data and control data in a wireless network with a radio network controller (1) and a plurality of assigned terminals (2 to 9) which respectively have at least one buffer for buffering data packets to be transmitted to the radio network controller (1) over a contention channel and a measuring device for measuring the occupancy level of at least one buffer, characterized

in that a signaling sequence is transmitted by a terminal (2 to 9) at a start time respectively predefined by the radio network controller (1) after an occupancy level of one or more buffers is exceeded,

in that a signaling sequence transmitted and received by a terminal (2 to 9) is correlated in the radio network controller (1) and an ensuing peak is detected and

in that an indication for the terminal (2 to 9) to use a channel exclusively assigned to the terminal (2 to 9) for the further transmission of the data packets is transmitted by the radio network controller (1) after the detection of a signaling sequence assigned to a terminal (2 to 9).

October 3, 2005
Case No. DE 000079 (7790/387)
Serial No.: 09/855,577
Filed: May 15, 2001
Page 24 of 24

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.